



August 11, 2026

Michael Pentony
GARFO Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

Please accept these comments on behalf of the Mid-Atlantic and New England Fishery Management Councils (Councils) in response to the July 28, 2026 Federal Register Notice ([91 FR 47221](#)) regarding potential issuance of an Exempted Fishing Permit (EFP) to the Massachusetts Division of Marine Fisheries (DMF). As described in the Federal Register Notice, DMF requests an EFP to allow vessels to exceed the current federal trip possession limit and land up to 37,500 pounds of spiny dogfish per week.

As stated in the Federal Register Notice, “the purpose of this project is to: 1. Provide data to inform the setting of future trip limits in the spiny dogfish fishery through the specifications process, and 2. Encourage additional effort in the spiny dogfish fishery by providing more economically viable fishing trips and increasing utilization of the northern region quota, as managed by the Atlantic States Marine Fisheries Commission (Commission).”

Under the proposal described in the Federal Register Notice, landings would still be constrained to the current annual quota and associated northern region allocation. Participation would be limited to current state and federal permit holders. No additional monitoring or enforcement mechanisms are proposed as federal permit holders are already required to submit daily electronic vessels trip reports. In addition, the possession limit would revert to the 7,500 pound daily limit if 80% of the northern region quota is projected to be utilized. We are not opposed to this EFP proposal as it appears that under these constraints the expected levels of fishing effort are not likely to negatively impact stock status or the overall management program for spiny dogfish.

We appreciate that DMF communicated their plans for this EFP with the Commission and this topic was discussed at recent public meetings of the Commission’s Spiny Dogfish Plan Review Team, Technical Committee, Advisory Panel, and Management Board. Council staff have been tracking these discussions, which has allowed us to have a greater understanding of this proposal than is typical for EFPs. Typically, the Councils are aware of few, if any, details beyond what is included in the Federal Register Notice. These notices generally contain very short summaries and have short comment periods (often 15 days). This poses challenges for fully understanding the proposals, including communicating with the applicants if desired, before finalizing our comments. As such, we encourage future EFP applicants to follow the example of DMF in sharing additional details prior to publication of the Federal Register Notice. We also recommend that future EFP Federal Register Notices include links to more information on the full proposals.

Although we are not opposed to this proposal, we note that the Federal Register Notice lacks some important details. For example, it does not explain how this exemption would apply to the northern region as a whole when Massachusetts DMF is the only applicant. In addition, the notice does not explain why 37,500 pounds, rather than up to 52,500 pounds, is considered equivalent to weekly landings under the current 7,500 pound possession limit. It is also unclear if participating vessels will be restricted to no more than 4 trips per week or if this is simply the expectation based on typical fishery operations. In addition, there is no mention of how a weekly landings limit, rather than the standard per trip possession limit, would be monitored and enforced.

Some of our Advisory Panel members also noted confusion stemming from the Federal Register Notice's description of the proposed possession limit. For example, some advisors questioned whether participating vessels would be allowed to land up to 37,500 pounds on each trip for up to 4 trips per week. We recommend that in future communications on this EFP, DMF and GARFO seek to more clearly articulate that participating vessels would be restricted to 37,500 pounds in aggregate per week and clarify how this would be implemented, monitored, and enforced.

As with all EFPs, if this proposal were to expand in scope in the future (e.g., to continue for more than one year, to expand into new areas, or to include additional participants), an additional EFP application or a management action would be required and we may have additional or different comments on that expanded or modified scope.

The Federal Register Notice indicates that a goal of this EFP is to inform future considerations of changes to the possession limit through the specifications process. Our comments on this EFP application are not indicative of any position the Councils may take during any future considerations of management changes. Those future considerations will depend on the results of this EFP and other relevant information.

Please contact us if you have any questions.

Sincerely,



Dr. Christopher M. Moore
Executive Director, Mid-Atlantic Fishery Management Council



Dr. Cate O'Keefe
Executive Director, New England Fishery Management Council

cc: J. Cimino, S. Feller, J. Beaty, J. Didden, D. Salerno, M. Griffin, J. Peros, J. Cournane